De non temerandis Eccl. [illegible]

A TRACT

Of the Rights and Re[illegible] due vnto CHVRCHES.

Written to a Gentleman, who hauing an Appro-priat Parſonage, imploied the Church to prophane vſes, and left the Pariſhioners vncertainly prouided of diuine ſeruice, in a Pariſh neere there adioyning.

By Sr. HENRY SPELMAN Knight.

AT LONDON
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DEO
&
ECCLESIÆ

Act. 28. 24.

Some were perſwaded with the things that were ſpoken, and ſome beleeued not.

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To the Reader.

ALL the vessels of the Kings house, are not gold, or siluer, or for vses of *Honour*. Some bee common stuffe, and for meane seruices: yet profitable. Of the first sort, I am sure this *Tract* is not. Whether of the other or no: I leaue that to thy iudgement. To deale plainly: My selfe haue no great opinon of it: as finding mine owne imperfections, and writing it onely vpon a priuate occasion to a priuate friend, without curious obseruation of *matter*, or *methode*.

3/-

XUM

But hauing also written a greater *Worke* (much of the same Argument) and entending to publish, or suppresse it, as I see cause: I thought it not vnfit (vpon some encouragemēt) to send this forth, (like a *Pinnesse*, or *Poste of Aduise*) to make a discouery of the *Coast*, before I aduenture my greater *Ship*. If I receiue good aduertisment, I shall grow the bolder: Howsoeuer, take this, I pray thee, as it is: and let my *zeale* to the cause, excuse me in medling with matters beyond my strength.

H. S.

A Letter, shewing the occasion of this Treatise.

To the worshipfull his most louing Vncle Fr. Sa. &c.

Y good Vncle, the speaches that past casually betweene vs at our last parting, haue runne often since in my minde, and so (perhaps) haue they done in yours. You complained (as God would haue it) that you were much crost, in the building you were in hand with, vpon a peece of glebe of your Appropriate Parsonage *at* Congham. *I answered, that*

I thought, God was not pleased with it, insomuch as it tended to the defrauding of the Church: adding (amongst some other words) that I held it vterlie vnlawfull to keepe Appropriate Prasonages, from the Church, &c.———,

But our talke proceeding: I perceiued, that as God had alwaies his portion in your heart, so in this, though it concerned your profit, you seemed tractable. It much reioiced mee, and therefore apprehending the occasion, I will be bold to adde a continuance to that happy motion: (so I trust, both you, and I, shal haue cause to terme it:) and besides, to giue you some tribute of the loue and duty I long haue ought you. Therefore, (good Vnkcle) as your heart hath happily

happily conceiued theſe bleſſed ſparkes, ſo in the name and bleſſing of God, cheeriſh and enflame them. No doubt they are kindled from heauen, like the fire of the Altar, and are ſent vnto you from God himſelfe, to be a light to you in your old daies (when your bodily eies faile you) to guide your feet into the way of peace, that is, the way and place from whence they came. So alwaies I pray for you, and reſt,

Your louing and
faithfull Nephew,

Weſtmin:
Aug: 17.
1613. HENRY SPELMAN.

DE NON TEMERANDIS ECCLESIIS.

Of the Rights and respect due vnto the Church.

INsomuch, as the rights and duties that belong to our Churches are in effect contained vnder the name of a Rectory or Parsonage: I wil first define, what I conceiue a Rectory or Parsonage to be, according to the vsuall forme and manner thereof.

A Rectory what it is.

A Rectory or Parsonage, is a [a] *Spirituall liuing*, composed of *Land*, *Tithe*, and other [b] *Oblations* of the people, [c] separate or dedicate to God in any *Congregation*, for the [d] seruice of his Church there, & for the maintenance of the *Gouernour* or *Minister* thereof to whose charge the same is committed.

By this *definition* it appeareth, that the ordinary liuing or reuennew of a Parsonage, is of three sorts: The one in Land, commonly called the Glebe: another in Tithe, which is a set and regular part of our goods rendred to God: the third, in other offrings and oblation

[a] *Plowd. Comment. in quare imp' per Grendō &c.*

[b] *Oblatio est omne qd exhibetur in cultu dei Th. Aq. 22 q. 85. 3: 3. &c. & Vrban in his epist. Tō. 1. Cōcil.* And lands are so termed *Ezek. 45, 1.* And tithes *Nū. 18, 24.* So also the Canonists and Ciuilians expound the *Concil. Aurel. cap. 7. Burchā. li. 3. ca. 129. & 143. Et Lexi. Iurid. in verb. oblatio.*

[c] *Leuit. 27. 28.*

[d] Touching diuine worshippe and workes of charitie.

lations bestowed vpon God and his Church, by the people, either in such arbitrable proportion as their owne deuotion moueth them: or as the lawes or customes of particular places doe require them.

2 Though I inuert order a little, I will first speak of Tithes, because it is Gods ancient demaine, and the nobler part of this his inheritance, founded primarily, vpon the law of Nature, (as the other be also after their manner.) For, the *Law of Nature* teacheth vs that God is to be honoured: and that the honour due vnto him, cannot be performed without *Ministers*, nor the *Ministers* attende their function without main-

Tithes how due.

tenance. And therefore seeing God is the Supreme Lord and
Gen.14.19. possessor of all, and giueth all things vnto vs that wee are maintained with, it is our duty, both in point of *Iustice* and *Gratuity*, to render something backe againe vnto him; as acknowledging this his supremacie and bounty; as honouring him for his *goodnesse*; as a testimony of the worship, loue and seruice we owe him; and lastly, as a meanes whereby these duties and seruices may be performed to him. This, I say, the very *Law of nature* teacheth vs to do: and this the *Law of God* requireth also at our hands: but what the *set* portion of our goods should bee, that thus we ought to render backe vnto

God

God, I cannot ſay the law of [a] *Nature* hath determined that. But the wiſdome of all the Nations of the World, the practiſe of all Ages, the example of the Patriarches [b] *Abraham* and [c] *Iacob*, the [d] approbation, and commandement of Almighty God himſelfe, and the conſtant [e] reſolution of his Church vniuerſally, hath taught and preſcribed vs to render vnto him the *Tenth part*: and that this *Tenth* part or *Tithe*, being thus aſſigned vnto him, leaueth now to be of the nature of the other *nine parts* (which are giuen vs for our worldly neceſſities,) and becommeth as a thing dedicate and appropriate vnto God. For it is ſaid, *Leu.* 27. 30, *All the*

[a] Yet there bee diuers naturall reaſons that commend this number (for this purpoſe) aboue other.
[b] *Gē.* 14, 20
[c] *Gē.* 28, 22
[d] *Leuit.* 27 30 & 32. *Deut.* 12. 6, & 11. *Mal* 3, 10.
[e] Declared by the Fathers and Counſels.

tythe of the land, both of the ſeede of the ground, and of the fruit of the trees, is the Lords: yea, more then ſo, *It is holy vnto the Lord.* And againe (verſe 32.) *Euery Tithe of Bullocke, and Sheepe, and of all that goeth vnder the rodde, the Tenth ſhall bee holy vnto the Lord.* Hee ſaith, *Holy vnto the Lord*, not that they were like the *ſanctified* things of the *Temple*, (which none might touch but the *Annointed Prieſts*,) but *Holy and ſeparate* from the vſe and iniury of ſecular perſons, and to be diſpoſed onely, to, and for the peculiar ſeruice and peculiar Seruants of God. And therefore in the 28. verſe, it is ſaid, to be *ſeparate from the common vſe*, becauſe it is *ſeparate* & ſet apart vnto the *Lord*.

But

But some happily will say that this vse of *Tithing* rises out of the *Leuiticall* law, and so ended with it. *Tithes originally not Leuiticall.*

I answer that it was receiued & practised by *Abraham*, & *Iacob* diuers hundred yeeres before it came to the *Leuites*. For it is said that *Abraham* gaue *tithe* to *Melchisedeck Gen.* 14.20 And that *Leuy* himselfe paide *tithe* also in the *loines* of *Abraham*, *Heb.* 7.9. *Melchisedeck* was the image of *Christ*, and his Church: *Abraham*, of the Congregation of the faithfull. Therefore though *Leuy* receiued tithes afterward, by a particular graunt from God, for the time: yet now he paide them generally with the congregation, in the loines of *Abraham*,

* *Iacob* voweth to giue tithes *Gen.* 28. 22. And *Ioseph.* sheweth he performeth his vow. *Antiquit. lib.* 1. *cap.* 27.

vnto the Priesthood of *Christ* here personated by *Melchisedeck*: which being perpetuall, & an image of this of the *Gospell*, may wel note vnto vs, that this duty of *tithe*, ought also to bee *perpetual*. And therfore [b] *Chrysostome* saith: *that Abraham herein was* OVR *tutor*: not the *tutor* of the *Iewes*. And insomuch as *Abrahã* paid it not to a *Priest* that offred a *Leuitical sacrifice* of *Bullocks* & *Goates*: but to him that gaue the *Elements* of the *Sacrament* of the Gospel, [c] *bread* and *wine*: it may also well intimate vnto vs, to what kind of *Priest* we are to pay our *tithes*: namely to him that ministreth vnto vs the *Sacrament* of *bread* & *wine*, which are only those of the *Gospel*, & not the *Leuitical Priests*. So that

[b] *Hom.* 35. *in Gen.*

[c] The Scripture only mentioneth *Bread* and *Wine* to be giuen by *Melchisedeck* to *Abraham*, but *Iosephus* sheweth that he gaue him also diuers other rich gifts. *Antiquit. lib.* 1. *cap.* 18.

that our *tithe* paid in this kind, cannot be said *Leuitical*: as also for that the *Leuitical tithes*, were onely of things [d] renuing and encreasing: whereas *Abraham* and *Iacob* paid them of *all*: as if they had followed the commandement of the *Apostle*: *Let him that is taught in the word, make him that hath taught him partaker of* [e] ALL. *Gall.* 6, 6.

[d] *Leuit.* 27. 30 & 32.

[e] ἐν πᾶσιν ἀγαθοῖς.

God also requireth this duty of *tithe* by his owne mouth, as of old belonging vnto him, before the *Leuites* were called to the seruice of the *Tabernacle*: and before they were named in Scripture. For they are not named till *Exod.* 38. 21. And it is said in *Exod.* 22. 29. *Thine abundance of thy liquor shalt thou not keepe backe*: meaning *tithes* and

and *firſt fruits*, and therefore *Ierome* doubteth not ſo to tranſlate it, *Thy tythes* and *firſt fruits ſhalt thou not keepe backe.* And in this manner of ſpeach, the word *keepe backe*, ſheweth that it was a thing *formerly* due vnto *God*; for wee cannot ſay that any thing is *kept backe*, or *withholden* that was not due before. Therefore we finde *no originall* commandement of giuing *tithe* vnto God: but vpon the firſt mentioning of them in *Leuiticus*, they are poſitiuely declared, to be *His*, as a part of *His* crowne, and auncient *demaine*; for it is there ſaid, *Cap.* 27.30. *All the tithe of the Land is the Lords.* And *Moſes* commandeth not the people a new thing; but declareth the *Right* that

that of old belonged to God; namely, that *All the tithes of the Land was his.*

Other phrases of Scripture doe confirme this: for afterward when *tithes* came to be assigned to the *Leuites*: God doth not say, *the children of Israel shall giue their tithes to the Leuits*: but he saith, *Behold, I haue giuen them to the Leuites.* And continuing this his claime vnto them, against those that many hundred yeeres after dissei-sed him of them: he complaineth, *Malachy* 3. 8. *That they that withheld their tithes from the Leuites spoiled him himselfe.* Numb. 18. 21. & 26.

But hauing handled this argument more largely in a greater worke: I will heere close

close it vp with opposing against these kind of Aduersaries, not onely the reuerend authority of those ancient and most honourable pillars of the Church, SS. [a] *Ambrose*, [b] *Augustine*, [c] *Hierome* and [d] *Chrysostome*, (who though they runne violently with Saint *Paul* against such ceremonies as they conceiued to bee *Leuiticall*; yet when they come to speake of *Tithes*, admit, maintaine and commande the vse thereof;) But also the resolution of many ancient [e] Counsels, and a multitude of other [f] *Fathers* and *Doctors* of the Church in their seuerall ages: all of them concur-

[a] *Ambros. in Serm. Quadrag.* [b] *August. in Serm. de temp. 129. & alias.* [c] *Hieron. in Mala. 3.* [d] *Chrys. in Epist. ad Hebr. Hom 12. et Hom. 35. in Gen.* [e] *Rotom. Concil. 4. Aurelian. 1 Tarracon. sub Herm. Mediomatricit. Toletanum Agrippin. cap. 6. Hispalens. Montisconens. 2 Valentinum sub Leone 4. Rothomag. cap. 3. Cauallen: cap. 18. Maguntin cap. 10.* [f] *Origen, Tertullian, Cyprian, Gregory, &c.*

ring

ring in opinion, that *tithes* belong iuſtly vnto God; and many of them commanding al men, euen vpon perill of their ſoules not to withhold them: which Argument S. *Auguſtin* himſelfe patheticallie maintaineth, in a perticular Sermon of his to this purpoſe. And though it bee a great queſtion among the learned, whether they bee due *in quota parte, iure diuino* (which requireth a larger diſcourſe) yet I neuer read of many that impugned them abſolutely. *Leutardus*, who liued about 1000. yeeres after Chriſt, taught the paiment of them to be ſuperfluous & idle, and then growing deſperate, drowned himſelfe, as it were to giue vs a badge of his doctrine.

See this Sermō in the end of this book.

Glaber Hiſt lib. 2 ca. 11.

Of Oblations & Offerings.

[a] Vrban. epist circiter An. Christi 227

[b] Constantine & Valentinian made laws that rich men which were able to support the charges of the common-wealth: should not be admitted into religious houses, because their possessions and goods were thereby amortized.

[c] 2. Chron. 31. 11.

4 Touching *oblations & offerings*. The *Fathers* vnder [a] this name accounted all things, that were giuen or dedicated to the seruice of God. And in the first ages of *Christian* religion (after the great Persecutions) the *Church* by this meanes began so to abound in riches, that the good Emperours [b] themselues were cõstrained, to make lawes (not vnlike our statutes of *Mortemaine*) to restraine the excesse thereof: for feare of impouerishing their *temporall* estate. In those dayes, many *Churches* had *Treasuries* for keeping these oblations (as the Storehouses at *Hierusalem* appointed by [c] *Hezekias*, for the Temple) but the succeeding ages, contracted them into chests

Cheſts, and in theſe latter times, the *Parſons* poket may well enough containe them. I ſhall not neede, therefore, to ſpend many words in a ſmall matter: for all the *oblations* now in vſe, are in effect the *twopeny* Eaſter offerings and a few other ſuch like: which becauſe the owners of *Appropriate Parſonages* ſhall not ignorantly conuert vnto their owne benefite: I will ſhew them why they were paid and why they haue them.

Saint *Paul* ordained in the Churches of *Galatia* & *Corinth*, that euery one vpon the Lords day ſhould yeeld ſomewhat to God for the *Saints*, 1. *Cor.* 16. 2. But this (being once a weeke) came too thicke & too often about. Therefore in [d] *Tertullians* time

[d] *Tertullia in Apologetico.*

time the vse was to doe it monthly, & (at last) at pleasure. But it was euer the ancient vse of the Primitiue Church (as appeareth by [c] *Iustin* and *Cyprian*) that *all* that came to the holy *Communion*, did according to their abilities, offer something of their substance to God, for charitable vses and maintenance of the *Ministers*. Therefore [f] *Cyprian* sharpely taxeth a rich Matron, that receiued the Communion, and offered nothing. *Locuples, & dites, & dominicum celebrare te credis, quæ* [g] *Corban omnino non respicis, &c. what?* (saith he) *art thou able and rich? and dost thou thinke that thou celebrateſt the Lords Supper, which bringeſt nothing to the Treasury?* So *Irenæus* (saith)

[c] *Iustinius in Apologia 2.*

Hist. Eccles.

[f] *Sermone 2. de Elemosynis.*

[g] He calleth the treasury *Corban*, of that at the Temple of *Hierusalem.*

(saith) [h] *That it was the vse of the Church through the world in his time: and receiued from the Apostles, to offer something of the blessings that they liued by, as the first fruits thereof: to him that gaue these things vnto them.* Which [i] *Zanchius* vnderstandeth to be meant of offerings at the *Communion: giuen to holy vses & for reliefe of the poore of the Church:* commending it for an excellent custome, and complaining that it is now discontinued. But to this end, and in imitation hereof, are our Easter and Communion offerings (as also those, at, and for, Christnings, Burials, &c. which I will not now speake further of) at this day made, and therefore let *Proprietaries* consider with

[h] *Nam Testamenti nouam decuit (filz. Christus) oblationem quam Ecclesia ab Apostolis accipiens in vniuerso mundo offert deo: ei qui alimenta nobis præstat, primitias suorum munerum in nouo testamento.*

[i] *Vide Zanchium lib. 1 de cultu Dei externo.*

what conſcience they can ſwallow and digeſt them.

Of Glebe Land, and houſes belonging to Parſonages.

5 Touching the *land, glebe, and houſes*, belonging to Parſonages (which I would haue called *Gods fixt inheritance*, but that I ſee it is *moueable*:) I cannot ſay that they are Gods *ancient demaines*, in the ſame forme that tithes are, and as our Clergy enioieth them: but the warrant and ground thereof, riſeth out of the word of God, who not onely gaue vs a preſident thereof, when hee appointed Cities for the *Leuits* to dwell in, with a conuenient circuit of fields for the maintenance of their cattel, *Numb.* 35. 2. *&c.* but commanded alſo the children of *Iſrael* (and in them all the nations of the world

world :) that in diuiſion of their Land, they ſhould offer an oblation to the Lord, an holy portion of the Land, for the Prieſts to dwell on, and to build the houſe of God vpon: *Ezech.* 45. 1. & 4. So that the houſes and Lands that our anceſtors haue dedicated to God in this manner, for the Churches and Miniſters of this time: are now alſo his *right* and *iuſt inheritance*, as well as thoſe, which the *Iſraelites* aſſigned for the *houſe of God*, and *Leuites* of that time: and commeth vpon the ſame reaſon and in lieu thereof. But becauſe it is vncertaine when and how they were brought into the *Church*, I will ſay ſomething touching that point.

How lands came to the Churches.

In the time of the Apostles the vse was (as appeareth *Acts* 2.45. & *Act.* 4.34. & 35.) to sel their lands and bring the money onely, to the Apostles. For the Church being then in persecution, and the Apostles not to remaine in any perticular place but to wander all ouer the world, for preaching the Gospel: they could not possesse immoueable inheritances: and therefore receiued onely the money they were sold for, distributing it as occasion serued. But after whē the Church obteined a little rest, and began to be setled: it [a] found much casualty in pecuniarie contributions, and chused therefore this reason, and it may well be, for that *Origen* & *Eusebius* shew that Churches had then possessions.

[a] It appeareth by the Epistles of *Pius* and *Vrban* who liued about the yeere of Christ, 230 that the Church of *Rome* had then begun to retaine lands in this maner vpon

rather

rather to retaine the lands thẽ-ſelues, giuen for maintenance of Gods Prieſtes and Miniſters: then (by ſuffering the ſame to be ſold) to furniſh the time preſent with abundance, and leaue the future time to hazard and vncertainty. Hereupon the Fathers in the [b] Primitiue Church, as well before *Conſtantine* (as appeareth by his owne Edicts, and by [c] *Origen*, [d] *Euſebius*, and the Epiſtles of [e] *Pius*, and [f] *Vrban*) as after: began to accept and retaine the lands, thus giuen, and to leaue them ouer to their ſucceſſors, for a perpetuall Dowrie of the Church. And this vpon expe-

[b] *Edicta Conſtantini & Lucinij Impp. Euſ. lib. 10. ca. 5*

[c] *Origen* ſpeaketh of rents of the Church *Hom. 31. in Matthæum.*

[d] *Euſebi:* of an houſe belonging to the Church of *Antioche* that *Paulus Samoſatenus* in the time of *Aurelianus* the Emperour (about 30. yeeres before *Conſtantine*) wrongfully inuaded. *Lib 7. cap. 24.* [e] & [f] Reade the note (2) next afore.

riece was found to be ſo godly and worthy a courſe, that it not onely receiued the applauſe of all ſucceeding ages: But commendeth for euer vnto vs their temperance, in deſiring no more then for preſent neceſſitie, their zeale in prouiding for poſterity, and their great wiſdome (or rather, Propheticall ſpirit) which foreſawe ſo long before hand, that, deuotion though it were at one time hot and feruent, yet, at an other it might bee cold enough: and therefore when time ſerued, they would by this meanes prouide that the *Church* for euer, ſhould haue of her owne, to maintaine her ſelfe withall. Vpon this enſued many godly prouiſions for endowment of Churches,

Churches, and for annexing their liuings so vnto them, as neither the variety of time, nor the impiety of man (if it were possible) should euer haue deuorced them; as appeareth by a multitude of ancient Councels, Canons, Statutes, and decrees of the [g] *Church*, [h] *Emperours*, and [i] *Princes*, to that purpose. Therefore whilest the world burned so with that sacred fire of deuotion, towards the aduancement of the glory of God: that euery man desired to sanctifie his hand, in the building of Churches, lest such holy monuments for want of

[g] *Synod. Roman. sub Symacho. 103. Episcoporum circiter An. Christ. 503. Iota contra inuasores Ecclesiarum. Concil. Aurelianens. 4. An. 543. c. 19. & 34 Conc. Meldens. ca. 5. Burch. li 11 cap. 16. Concil. Gãgrens. cap 8 Bur. lib. 11. cap. 20. Concil. Mogunt. ca. 3. 6. 7. & plurima alia.* [h] See the two edicts of *Constantine* and *Licinius* Empp. *Euseb. lib. 10. ca. 5.* And the Lawes of *Constant: Theodos: Iustin: Carol: Mag:* & many other. [i] To passe ouer forame Princes, our owne in former times haue almost successiuely confirmed them.

due mainetenance, ſhould (in proceſſe of time) become, either contemptible, or vnprofitable. It was at length ordained, in [k] *Aurelianenſ. Concil.* 4. (*An.* 545. *cap.* 33. And [i] *Concil. Valentin.* (*An.* 855) *cap.* 9. That, *whoſoeuer builded a Church, ſhould aſſigne vnto it, a* * *Plough land, furniſhed for the maintenance of the Parſon thereof.* By vertue of theſe *Councels* (as I take it) were the *Founders* of Churches in *France* firſt compelled, to aſſure Liuings to thoſe *Churches*. And it was alſo prouided by the third *Councel* of [m] *Tolledo* in

[k] *Si quis in agro ſuo, aut habet, aut poſtulat habere diœceſim, primum & terras ei deputet ſufficienter, & clericos: qui ibidem ſua officia impleant, vt ſacratis locis reuerentia condigna tribuatur. Aurelian: Concil. cap.* 23. *in Concil: Tom.* 2. *vbi nota quod diœceſis accipitur pro libertate condendi oratoria vel Eccleſias, itaque in argumento huius capituli oratorium exponitur.*

[i] *Tom. Concil.* 1. * *Coloniam veſtitam.* [m] *Concil. Tolet.* 3. *cap.* 15.

Spaine

Spaine, that no *Biſhop* might conſecrate any *Church*, till ſufficient maintenance (which [a] *Chryſoſtome* calleth the *Dowry of the Bride*) were aſſigned to it.

[a] *Chryſoſt. hom. 18. in Acta.*

But becauſe theſe were forreine, and *Prouinciall Councels*, not *Generall*: they bound not our Countrey, otherwiſe then by doctrine and example. Therefore it was heere decreed afterward, to the ſame effect in a° *Synod* at *London* vnder *Anſelme Archbiſhop of Canterbury*, *Anno Domini*, 1105. *H.* 1. 3. And though the Lawes of our Church began then firſt (as far as I yet can finde) to conſtraine our Countreymen to giue *Endowments* to the Churches that they builded; yet wee were taught

[b] *Synod. London ca. 16. Antiq. Britan. ca. 34.*

taught before (by the Custome and Example of our precedent Auncestors, as well, as by our *dutie*, out of the *word of God*) to doe the same: as appeareth by many Presidents, wherof I will only alledge one, (but aboue others, that most famous) of * *Ethelwulfus, king of West-Saxony*, who (in the *yeere of our Lord* 855.) as [p] *Ingulphus Saxo*, and [q] *Simeon Dumelmens:* report, by the aduise and agreement of all his *Bishops* and *Nobility: Gaue*, not onely the *tithe* of the *goods*, but the [r] *tenth* part of the *Land* through his Kingdome for euer, to God and the *Churches*, free from all secular seruices, taxations, and impositions whatsoeuer. In which kind of religious magnificence

* *alias Adulphus.*

[p] *Ingulf. in Hist. Croil.*

[q] *Sim. Dumelm. cita. Antiquit. Brit. ca. 27.*

[r] *Decimam mansionem vbi minimè sit.*

ficence, as our ſucceeding Kings haue alſo abounded: ſo haue they from[t] time to time, as wel by Parliament Lawes, as by their Royall *Charters*, confirmed theſe and other the rights of the *Church*: with many ſolemne[s] vowes, and imprecations againſt *all* that ſhould euer attempt to violate the ſame. Therefore if theſe things had not beene primarily due vnto God by the rule of his word, yet are they now *His*, and *ſeperate* from vs, by the voluntarie gift and dedication of our ancient Kings and Predeceſſors: as was the [u] *tribute* of a third part of a ſhekell, which *Nehemiah* and the Iewes, out of their *free* bounty, couenanted yeerely to giue vnto God *for the ſeruice of his*

[t] As appeareth in their ſeueral Lawes, and namely 15 times in *Edw.* 3. raigne.

[s] See the Stat. of 25. *Edw.* 1. in *Raſtals* Abridgemẽt *tit. Confirmation* 3. And *Sententia lata ſuper Chartas.* And *Pupilla oculi par.* 5. *c.* 22.

[u] *Neh.* 10. 32.

* Acts 5.4 *house.* For, as Saint *Peter* * saith to *Ananias*: *Whileſt theſe things remained, they appertained vnto vs, and were in our owne power:* but now, when wee haue not onely vowed them, but deliuered them ouer into the hands and poſſeſſion of Almighty God (and that, not for ſuperſtitious and idle orders, but meerely for the maintenance of his publike diuine worſhip, and the Miniſters thereof) they are not now arbitrable, nor to bee reuoked by vs, to the detriment of the Church.

Churches and their liuings dedicate to God.

6 Churches being erected and endowed: they and their liuings, were (as I ſay) dedicated vnto God. Firſt, by the ſolemne vowe and oblation of the Founders: then by the ſolemne

lemne acte of the Bishop, who to *seperate* these things from secular and prophane imploiments, not onely ratified the vowe and oblation of the Patron or founders: but *consecrated* also the Church it selfe: vsing therein great deuotion, many blessings, praiers, works of charity, and some Ceremony, for sanctifying the same to diuine vses. Therfore also, haue the ancient* Councels added many fearefull *curses* against all such as should either violate it, or the rights thereof.

This *consecration*, Master *Perkins* calleth a Dedication, but confesseth it to haue beene in vse in this manner, about the yeere of Christ 300. (which is within the time of the Primitiue

*See the 6. Synod. Rom. of 103. Bishops (aboue 1000 yeeres since) wholly against violaters of Churches & Church rights. And see many other to this purpose, Burchard li. 11. *Demonst. Problem. tit. Templū Sect. 3.

tiue Church) onely he admitteth not, that it was then performed with *Ceremony* and the signe of the *Crosse*; which here I will not stand vpon, nor to shewe the greater antiquity therof, (though I thinke it may well be proued.) For *Athanasius* being in those daies accused by the *Arians*, of ministring the Communion in a Church not *consecrated*, excused himselfe to haue done it vpon necessity. And [a] *Theodoret* reporteth, that *Constantine* (then likewise) commanded, *all those that were at the Councel of Tyrus, should come to* * *Ælia: and that others should be assembled from all parts, for* * *Consecratiō of the Churches, builded by him.* Which sheweth it to bee so notorious and

In epist. ad Constant. Imp.

[a] *Histor sua lib. 1. ca. 30 & Sozom. lib. 3. ca. 25 Niceph. li. 8. ca. 50. Hist. Tripert. lib. 3. fol. 331.*

* *Hierusalem.*

* καθιερῶσαι .i. *Consecrare.*

and generall an vſe at that time, and to haue ſuch vniuerſall approbation; as it could not, but haue a root alſo from elder ages, though there cannot bee many preſidents found thereof, for that the Chriſtians being then in perſecution, might hardly build, or dedicate any Churches, but were conſtrained to vſe priuate houſes, and ſolitary places for their aſſemblies. Yet, euen thoſe *houſes*, had (as it ſeemeth) ſome *conſecration*, for they were commonly called, **ædes ſacræ*, Holy houſes, and haue left that name, (to this day) amongſt vs, for our Churches, as a teſtimonie of their ſanctification, whereof I ſhall ſpeake more anonne. **Euſebius* alſo ſaith; that *inſomuch*

* *Euſeb. in orat. de laudib. Conſtant.*

* *Ibidem.*

as

as the Holy houſes and Temples of that time, were thus Dedicated and Conſecrated *vnto God, the vniuerſal* Lord *of all: therefore they receiued his name, and were called in Greeke* κυριακὰ. (in Latin, Dominica:) *the* Lords houſes. *which name,* ſaith hee, *was not impoſed vpon them, by man: but by himſelfe onely that is Lord of al.* Of this word κυριακὰ, commeth the *Saxon* word *Cyrie* or *Kyrk:* and (by adding a double aſpiration to it) our vſuall word *Chyrch* or *Church,* as it were to put vs euer in minde, whoſe theſe *Houſes* are: namely, *the Lords houſes:* like that, which *Iacob* Dedicating vnto God,

Gen. 28. 22 called (*Bethel:*) that is, *the houſe of God.*

But both Church & Church-liuings

uings were thus solemnely deliuered into Gods possession; and therefore all ages, Councels and Fathers (that euer I yet haue met with) account them holy and inuiolable things. And hereupon they are termed, *Patrimonium Christi*, *Dos Ecclesiæ*, *Dos sponsæ Christi*, and *Sacrata possessio*, or *Prædium sanctum*. For, *Euery thing that a man doth seperate vnto the Lord from the common vse; whether it be man, or beast, or* LAND OF HIS INHERITANCE, *it is* HOLIE *to the Lord. Leuit.* 27. 28. And in what sort I vnderstand the word *Holy*, I haue before declared.

C bryſoſt. hom. 18. in Act. Concil. Mogunt. ca. 7.

7 As then the Law of *Nature*, primarily taught all Nati-

holy rights & temples how respected by heathens

ons in the world to giue these things vnto God: so the very same Lawe, also taught them that it was sacriledge & impiety to pull them backe againe: yea, the very heathen, counted the things thus senered vnto their Gods: to be *Sancta & inuiolanda.* And Saint *Augustin* expoundeth, *Sanctum illud esse, quod violare nefas est.* It is execrable wickednesse, to violate that that is holy. *Pharo* would not abridge the Priests of their diet, or land: no not in the great famine. The very Barbarous Nations of the world, euen by the instinct of nature, abhorred this impiety. *Diodorus Siculus* noteth of the *Gaules*; that though they were a people aboue all others, most

Gen. 47. 22.

Biblioth. Histo. lib. 5.

couetous of gold: yet hauing aboundance thereof, scattered in all parts of their Temples to the honour of their Gods: none was found so wicked amongst them, as to meddle with any of it. I could alledge a multitude of Heathen stories to this purpose. But I will not weaue the wollen yearne of the *Gentiles*, into the fine linnen garments of the *Christians*; I meane, I will not mingle prophane arguments, in a discourse of Christian piety. For the sheepe that are of the fold of of Christ, are tyed onely *to heare his voice*, and to follow that, which if they doe not, they are thereby knowne to be *Goats* and not of his folde. Ioh. 10. 3.

8 The cause why I touched How fear-

For a thing it is to violate the Church.

vpon this one heathen example is to aggrauate the manifold sinnes of vs Christians, in this point. For if they that knew not God, were so zelous of the glory of their Idols: how much more is it to our condemnation, if we that know him, doe lesse regard him? If it go hard with *Tyrus* and *Sydon* in the day of iudgement, that sinned ignorantly: how much harder will it be with *Corazin* and *Bethsaida*, that sinne presumptuously? Especially with *Capernaum* that despiseth her Lord God and master, *Iesus Christ* himselfe? What is to despise him; if to robbe him of his honour, bee not to despise him? Or what is to robbe him of honour, if to take from him,

the

the things giuen him for maintenance thereof, be not to rob him? Therefore, when the children of *Israel*, withheld their *tithes*, and *offerings* from the *Leuites*, hee crieth out in *Malachy* 3.8. That *himselfe was robbed and spoiled*: and was so highly offended therwith, that he cursed the whole Nation for it. And to make *this* sinne appeare the more monstrous, hee conuinceth the offendors therin: not onely to be violators of his *Legall* ordinances: but euen of the very law of *Nature*, written in the heart of euery man. For, saith he, *will any man spoile his Gods*? As if he should say: Can such a man bee found in will, or dares commit that sin, that all the nations of the

world, euen by the instinct of nature, account to be so horrible and impious? *To spoile his Gods: what, his owne Gods?* Some were found, that now and then aduentured, to spoile the gods of other nations (yet not without punishment) but few, or none that I reade of (til these latter daies) that spoiled their owne gods, in apparent & *ouert* maner, as the Lawyers terme it. I compt it not ouert and apparant, when wee doe as *Ananias* and *Saphira* did: pinch and detract from God, somewhat of that wee vowed to giue. Nor, when wee doe as the children of *Israel* here did: whithhold that which wee ought to pay out of our owne goods (yet both these were

heinous sinners, and dreadfully punished.) But I call it ouert and apparant, when we thorw our selues into a more dangerous sinne, by inuading openly the deuotions of other men, and taking that from God and from his Church (as *Athalia* did) which we neuer gaue vnto it, euen the lands and liuings thereof: yea, the Churches themselues.

2. Chro. 24. vers. 7.

8 Doubtlesse we haue much to feare in this point: For as it is a transcendent sin; so *Dauid* laboring to match it with a trãscendẽt punishment, bestoweth a whole Psalme, (*viz.* the * 83.) in inueying particularly against these kind of sinners: such (expressely) as *would take to themselues the houses of God in*

Dauids zeale for the house of God.

* This Psalme is alledged to this purpose by *Lucius* (who was

martired about *An. Chr.* 255.) in his Epistle to the Bishops of *Gallia* and Spaine. *Tom. Concil.* 1.

possession for that onely is the very *center* of the *Psalme*, and therein doe all the lines and proiections of the *Prophets* inuectiues, concurre. First hee maketh a flat opposition betweene God and them: and therefore calleth them his enemies. Then, he describeth the nature of these kinde of enemies: namely, that they are *murmuring* enemies, as grudging, and enuying at the prosperity of the Church: *Malicious* enemies: as hating, or hurting the seruice of God. *Proud* enemies, as *lifting up their heads against God*, *verse* 2. *Crafty* enemies: as imagining how to beguile the Church. *Conspiring* enemies: as taking *Counsel* together against Gods *secret ones* (as the

Pro-

Prophet calleth them,) that is, Gods seruants and Ministers, *verse* 3. And lastly, *Confederate* enemies: as combining themselues one by example of another, to perseuer in their course of wronging and violating the Church. *verse* 5. Yet for all this: those against who the Prophet thus enueigheth: did not that they desired. They discouered their malicious purpose by word of mouth, saying: *Let vs take to our selues the houses of God in possession.* But they onely said it, they did it not. Their will was good, but their power failed. Our will and power haue both preuailed for we haue got the *houses of God into our possession*: His Churches, his lands, his offerings,

his

his holy rights. We haue gotten them, and led them away captiue, bound in cheines of yron: that is so conuicted and assured vnto *vs*, by Deede, by Fine, by Act of Parliament, as if they neuer should returne againe vnto the Church. But heare what *Dauid* saith to those of his time. Marke how he praieth for them. Mark what strãge and exquisite punishments, hee designeth to them: and that in as many seuerall sorts, as there are seuerall branches in this kinde of sinne.

First, hee praieth, that God would deale with them, as hee did with the *Madianites vers.* 9 That is, that as *Gedeon* by Trumpets and Lampes, strooke such a terror in the night time,

into

into the hearts of the *Madianites*: that the whole army fell into confusion, drew their swords one vpon another, were discomfited, and 120. thousands of them slaine. So that God, by his trumpets, the Preachers of his word; by his Lamps, which is, the light of the Gospel, would confound in like manner, the enemies and spoilers of his Church, that sleepe in the night of their sin. And that he would make them like *Oreb*, and *Zeb*, like *Zeba and Salmana*, *verse* 11. All which were strangely ouerthrowne, died violent deaths, and being glorious Princes of their nations, became like the filthy and lothsome, *Dung of the earth*, *verse* 10.

10. And *Iudges* 7. 25. & 8. 21.

But doth the Prophet stay heere? no, hee goeth on with them. *O my God* (saith hee) *make them like a wheele, &c.* that is, wauering and vnstable in their actions, so as they may neuer bring their purposes to an end. Yea I make them abiect and contemptible. *Like the chaffe that the winde scatters from the face of the earth, &c.* Psal. 83. Well, is he now satisfied? no. All this doth but whet his spirits to sharper imprecations. He now desireth, that the very floud-gates of Gods wrath may bee broken open vpon them; and that the tempest of his indignation may rage as full against them: now hee cryeth out to

God

God to consume them without mercy, yea and that in two terrible manners. One naturally, *As the fire burneth up the woode.* The other miraculous lie, *As the flame consumeth the mountaines, verse 14. Persecute them euen so,* (saith hee) *with thy tempest, and make them affraide with thy storme. Make their faces ashamed, O Lord, that they may seeke thy name. Let them bee confounded and vexed euer more and more, let them bee put to shame and perish, verse 15. 16. 17.* How should the wit of man discouer and prosecute a sinne in more vehement and horrible manner? Or, what shall make vs to abstaine from such haughty sinnes? if all this preuaile not. Well, if to take

the

the houses of God into possessi-
on, bee thus I take them that
will for me.

The zeale of our Saviour to the house of God. And of the parts of the Temple.

You see how *David* in this his sacred fury, was admirably carried against this sinne. Well therefore might hee say: *The zeale of thine house hath eaten me vp: Psal.* 69. 9. Yet, he spake it not of himselfe alone: but in the person also of our Saviour Iesus Christ; who in prosecutiō of *Davids* zeale, did thus in this case: that he never did at any time else in al his life. In all other cases, hee shewed himselfe like the Paschal Lambe; that euery body did eat & deuoure at pleasure; and like the sheep that was dūbe before the shearer, euen when his very life was taken from him. But when he

he saw the golden fleece, to be taken from the *house of God*: that is, when hee sawe the Church his beloued *spouse*, depriued and spoiled of the honour, reuerence, duty, and ornament, that belonged to her: Then, as *Dauid* did, hee groweth into a sacred fury; he leaueth the mildnesse of the Paschall Lambe, and taketh vpon him the fiercenesse of the Lion of *Iuda*. Then hee beginneth to bestirre him, and to lay about him. Hee whippeth out them that prophaned it; driueth out their sheepe and their oxen, though they were for the sacrifice: and ouerthroweth the table of the money changers: *Iohn* 2. 14. Hee would by no meanes indure such trum-

Mat. 21. 12. *Mar.* 11. 17. *Luk.* 19. 45.

trumpery to bee in his Fathers house, nor his Fathers house to be made an house of Merchandise; but much lesse then, that merchandise should bee made of his Fathers house it selfe. O fearefull and most inhumane sinne, *horresco referens.*

But ere I depart from this place of Scripture; let mee note one thing more out of it, for the greater reuerence of Churches. That although, our Lord be heere said, to haue cast these things out of the Temple; yet, in truth, they were not in the Temple it selfe, but in the outward Court or yard thereof. For within the inward parts of the Temple, (namely, the first, and second tabernacles) did no

man

man enter, but the *Leuite Priests*: and of them also, none into the second *Tabernacle*, but the High Priest. Therefore, although our Sauiour Christ, were a Priest for euer after the order of *Melchisedech*: yet because he was not a *Priest of Leui*: but of the Tribe of *Iuda* (of which Tribe *Moses* spake *nothing touching the Priesthood*, *Heb.* 7. 14.) I take it, that he neuer came within these parts of the Temple, nor where the *Sacrifice* was, but frequented onely *Atrium populi*, the out-

Num. 18. *Ebr.* 9. 1. 3. 4. 5. 6. 7.

Christ came to fulfil the Law, & not to breake it. Therefore (doubtlesse) he obserued the rules

thereof, and the quality of his Tribe. [b] See the forme of the Temple in *Arias Montans Antiquitat. Iudaicar. lib. Arieh.* and in the *Geneua* Bible, 3 *King. cap.* 6. and marke well both it, and the Notes vpon it, for I finde them (aboue others) most agreeable to the Scriptures, and relie not vpon the figure of the Temple in *Adrichomius*, without good examination, for I perceiue he hath misplaced somethings therein.

ward court from the Temple. For into this onely, the [a] people resorted: to worship, pray, and heare the word of God expounded, not pressing further towards the Temple: and in the middest whereof (the [d] brasen stage which *Salomon* praid vpon) was erected. Yet, this very place, this court, or outward yarde, would not our Saviour permit to be prophaned: neither with market matters, nor with carrying so much as a burthen or vessell through it, *Mark.* 11.16. For though it were not so *Leuitically* holy, as the Temple: yet it was dedicated to God, with the Temple; And taken often in the new Testament, for the Temple: as in the places before alleaged

[a] See the note (a) among the notes aforesaid.

[d] 2. *Chron.* 6.13.

leaged: And *Acts* 3. 2. 3. By which reason the very Church-yardes themselues (being Dedicated with the Churches, and the principall soile thereof: as an old Statute witnesseth) seem also to haue in them a certaine kinde of *Sanctification*: and are not therefore to bee abused to secular and base employments: as not onely the Ancient Fathers, by the Canons of the Church: but the present lawes of the Land, haue well prouided for them.

Stat. Ne Rectores prosternant arbores in Cimiterio.

10 But some will say, that the *sanctification* of the Temple was *Leuiticall*, and therefore abolished, and not to be applyed to our Churches. I answer: the Temple was sanctified vnto *three functions*; which also had

More of that matter: and how faire the sanctification of the Temple is abolished; or remaineth to our Churches.

three ſeuerall places, aſſigned to them. The *firſt*, belonged to the *Diuine preſence*, and had the cuſtody of the *Holieſt types* thereof; the *Oracle*, the *Arke*, the *Mercy ſeate*, &c. and was therefore called *Sanctum Sanctorum*, or the *Holieſt of all*. The *ſecond*, was for *ceremoniall worſhip*, and *attonement*: namely, by ſacrifice, oblations, and other *Leuiticall* rites: the place thereof beeing the *Sanctuary*, (wherein were the *Holy veſſels*) and the Court of the Prieſts, wherein the Altar of burnt ſacrifice did ſtand. The *third*, was for ſimple worſhip, praier, and doctrine, (without any pompe or ceremony:) and the place of this, was the *outward Court*, (called, * *Atrium populi*, and

2. Chron. 4. 9. & 6. 13.

* Salo-

* *Salomons porch*,) which therefore had in it no *Ceremonial* implement at all. * Act. 3. 11.

The *two* first of these functions, with the places, belonging to them: were indeed, particularly appropriate to the Law. For, they were *Ceremoniall*, *Mysticall*, *Secret*, *Leuiticall*, *Iudaicall*, and *Temporall Ceremonial*; as celebrated with much worldlie pompe. *Mysticall*; as figurating some spirituall things. *Secret*; as, either performed behinde the Veile or Curtaine: or else, sequestred and remote from the people. *Leuiticall*, as committed onely to the Administration of that *Tribe*. *Iudaicall*; as ordained onely for the saluation of that people. And *Temporall*; as instituted

onely for a ſeaſon, and not to continue. But the *Sanctification*, of the third *function*: and of the place thereto appointed: was directly contrary in all the points alleaged to the former two. *Firſt* (as I ſaid before) it was for *ſimple worſhip*, *Prayer* and *Doctrine* which were there to bee performed and delinered in all *ſincerity*, without any *ceremony*, or *ceremoniall* implement vſed therein. *Secondly*, there was no matter of *Miſtery* therin to be ſeene: but whatſoeuer was *Myſticall* in the Law, or the Prophets, was there expounded. *Thirdly*, nothing there, was hidden or ſecret from the people, but acted wholy without the *Veile*, and publikely for euery man. *Fourthly*, it was not appropri-

appropriate to the *Levites*, but common alike to all the Tribes. Fifthly, not ordained for the *Iewes* particularly, but for all Nations in generall. And *lastlie*, not to endure for a time, as those other two of the Law) but to continue for euer: euen after the *Gentiles* were called as well as the *Iewes*: that is, during the time of the Gospell, as well as the Law. Therefore, saith God, by *Isaias* the Prophet, *cap.* 56. 7. *My house shall be called an house of prayer, to all Nations.* He said not, an *House of Sacrifice to all Nations*: for the *Sacrifice* ended, before the calling of the *Gentiles*, and so they could haue no part thereof. Nor an *House of prayer* for the *Iewes* onely, for then had

the *Gentiles* (when they were called) beene likewise excluded. But an *House of praier to all nations*, that is, *Iewes* and *Gentiles* indifferently: which therefore, must haue relation to the times of the Gospel. And consequently, the *sanctification* of that house, & of that *function*, is also a *sanctification* of the Churches of the Gospel.

We reade not therefore, that Christ reformed any thing in the other two functions of the *Temple*: for they were now, as at an ende. But because this third function was for euer to continue to his Church: therfore he purgeth it of that, that prophaned it; restoreth it (as he did mariage) to the originall sanctitie. And that the future world

(which

(which was the time of the Gospell) might better obserue it, then the precedent, and time of the law had done; he reporteth, & confirmeth the *decree*, whereby it was sanctified: *It is written*, saith he, (as producing the record and words of the foundation) *My house shall bee called an house of praier to all people.* Hee saith, *My House*, as excluding al other, frō hauing any property therein; for, God will be Iointtenant with no man. And it shall be, *An house of praier for al people*: that is, publike for euer, not priuate, nor appropriate to any: nor a *denne of theeues*, that is, no place of Merchandise, or secular businesse, as S^t. *Ierome* expoundeth it. It must not be an Impropriation; no man can

can, or may hold it in that kinde.

The time also when our Saviour pronounced these words is much to the purpose: as it seemeth to me. For it was after he had turned out the oxen and doues, that is, the things for the *Sacrifice*. As though, hee thereby taught vs, that when the *Sacrificall* function of the Temple was ended: yet the *sanctification* thereof, to be an house of praier, forever remained.

Saint Paul maineth the reverence of the Church.

11. This doctrine of our Saviour, is continued vnto vs by Saint *Paul*: who, seeing the *Corinthians* to prophane the Church, with eating and drinking in it: though much good might follow thereby, (being order-

orderly done) as the encreasing of amity, and the relieſe of the poore, yet becauſe it was againſt the reuerence of the place: he not onely reproueth them for it, demaunding if they had not houſes to eate and drinke in at home, but skearing them alſo (by ſhewing the danger they were falling into) hee ſpeaketh to them as with admiration: *Deſpiſe ye the Church of God?* As it he ſhould ſay, is your religion now come vnto that? or is that your Religion, *To deſpiſe the place that God hath ſanctified vnto himſelfe*; by making it, as Saint *Ierome* ſaith, *Triclineum epularum*, a banqueting houſe. God wondered in *Malachy* that any ſhould *ſpoile their gods*. And the holy Ghoſt here

heere wondreth, that *any should despise the materiall Church*: for so Saint *Ierome* expoundeth it. Thus both of them wonder at one and the same thing: that any man should bee so irreligious, as to prophane the reuerence due vnto God, and that that is his.

The zeale of some of the Fathers to the Church. *Serm. de temp. tom. 10. 234. 235.*

12 So precise therefore were the Ancient Fathers in this point, that, that mecke Saint of God, Saint *Augustin*, would by no meanes endure that any should vse clamours, or dauncing within the verge of the Church. Yea, he termeth them, *Miserable and wretched men that did it.* And denounceth against them, that *If such came Christians to the Church, they went Pagans home.* But when

when the Church it ſelfe came to be abuſed! Oh, how Saint *Ambroſe* taketh it, euen againſt the Emperour himſelfe, great *Valentinian* that required it for an *Arian*. *O* (ſaith hee) *let him aske that is mine, my lands, my goods, and what ſoeuer I poſſeſſe, I will not denie them, yet are they not mine, but belong to the poore. Verum ea quæ diuina ſunt, &c.* ſaith he, *but thoſe things that are Gods, are not ſubiect to the authority of the Emperour. If my lands* (I ſay) *bee deſired, enter them a Gods name: If my body, I will carry it him: If he will haue me to priſon, yea, vnto death, it pleaſeth me well, I will not defend my ſelfe with multitude of people, neither will I flye to the Altar deſiring my life, but with all my heart will* *Ad Marcellinam ſororem Epiſt. 33.*

will die for the Altars. And after, in speaking of the impious Souldiers. *O that God* (saith he) *would turne their hands from violating the Church, and then let them turne all their weapons upon me, and take their fill of my bloud.* And many such excellent speaches hee hath for the sanctity of the Church and of the reuerence due vnto it, in his Oration, *De Basilicis tradendis.*

In fine eiusdem Epistol.

My purpose is to bee short; I will not therefore, now enter any further into the authorities of the Fathers: or meddle with the Councels and ancient Canons of the Church which abound so in this kinde of zeale, and haue establyshed it (against the *Eustathians*, *Messalians*, and *Fraticelli*, * heretickes: and all other

* Hereticks which condemned Churches

other the enemies therof) with so many examples, admonitions, exhortations, precepts, threatnings, curses, and excommunications: as it requireth a booke alone to repeate them.

§. 23 It seemeth a smal thing to dance in the Churchyard, or to eate and drinke in the Church. But *sanctification* (saith *Ierome* speaking on this matter) *consisteth also euen in the smal things.* Therefore *Ecclesiasticus* aduiseth vs, that *wee giue not the water passage, no not in a little.* For hee that openeth the waters but a little, knoweth not how great a breach they will make at length. So is it to make an entrance into sinne, or to breake the reuerence of holy things in trifles.

Sacrilege not to bee suffered in the least things.

Coment. in 2 Cor. 11. 22. to 9 Eccles. 25. 27.

There-

Therefore God punnished seuerely the very petty offenders in this kind: not *Corah* onely and his company, that inuaded the high function of the Priesthood: but euen him that gathered the sticks on the Sabath day, *Numb.* 15.34. And poore *Vzzah* himselfe (whom *Dauid* somuch lamented) that did, as it were, but *stay the Arke* from shaking, (*2. Sam* 6.6. & 1. *Chron.* 13.9.) And yet died for it, because his hand was not sanctified to that purpose.

An admonition to them that meddle with holy things.

14. I conclude this point with the saying of *Salomon Pro.* 20. 25. (and let all men well consider it.) *It is a snare for a man to deuoure that which is sanctified, and after the vowes, to enquire.*

quire. A Snare hath three properties. *First*, to catch suddenly. *Secondly*, to hold surely. *Thirdlie*, to destroy certainly. So was *Vzza* taken ere hee was aware: hee did but touch the *Arke*, and presently hee was catcht. King *Vzziah* did but meddle with the incense, and presently the *Leprosie was on his face*: 2 *Chron.* 26. 19. *Ieroboam* did but stretch out his hand against the Prophet, and presenly it *withered*: 1 *Kin.* 13. 4. And as a man falleth suddenly into it: so is it as hard to get out. *Vzza* died in it presently. *Vzziah* languished in it all his life, and then died in it also. *Corah*, *Dathan*, and *Abirã* were no sooner caught in this snare, but it held them so

surely, as when al *Israel* else fled and escaped; they, and their companions (most miserable men) were detained in it, to their notorious destruction.

I might here take iust occasiō to remember what hath happned to many in this Kingdome, that became vnfortunate after they medled with Churches, and Church liuings. But I will runne into no particularities. Let those men, and those families, which are *vnfortunate* (as we terme them) consider, whether themselues, their Fathers, or some of their Auncestors, haue not beene fettered in this snare.

And let the *Proprietaries* of Parsonages also well consider these things. For, if *Naza* died, that

that did but touch the Arke to saue it: what shall become of them, that stretch out their hands against Churches to destroy them? If the *stickgatherer* was stoned, for so small a prophanation of the *Sabbath*? What shall they looke for, that by destroying the Churches, destroy also the Sabbath it selfe, (in a manner) as taking away the place appointed to the publike sanctification thereof. And if *Corah*, *Dathan*, and *Abiram*, offended so hainously, in meddling with the things of the Leuiticall Priesthood, though they employed them to the seruice of God: what haue they to feare, that vsurpe the things of the Gospel, and peruert them wholly to their

owne vse, from the seruice of God? Yea, that pollute his Churches and houses of prayer to seruile & base offices: leauing the Parishioners vncertainlie prouided of diuine seruice, to the destruction, both of the Priesthood it selfe, and of the seruice of God in generall.

A surmise answered.

15. But they wil cõfort themselues with this: that though the Churches be sanctified to some purpose, yet the sanctity thereof differeth from *Leuitical sanctificatiõ*: and that God doth not now kill any from heauen, for prophaning the things of the Gospell, as he did then, for prophaning the things of the Law. I answer: the sanctity indeede of the one differeth from the sanctitie of the other.

For

For the *Leuiticall* things were ſanctified by the hand of man, to bee matter of Ceremony: but the Churches of the Goſpel, are ſanctified by our Sauiour himſelfe, to bee houſes of praier. Not that praier is to be vſed onely in theſe places, but that theſe places are onely to be vſed for praier. And we muſt not preſume that God ſleepeth becauſe he puniſheth not (now as he did of old) the cõtemners of his worſhip. For as the Law conſiſted in viſible and temporall things, ſo the punniſhments therein, were for the moſt part viſible & tẽporall. But the Goſpel concerneth things inuiſible and eternall, and therefore the puniſhments aſſigned therein, are for the moſt part, inuiſible

and eternal.

Another surmise answered.

16 They haue also an other comfort, and that is, that though these things were once Spiritual, now they are made temporal by the Lawes of *Dissolution*, and especially, by the *Stat. of* 32. *H.* 8. *cap.* 7. It is true that those Statutes, apply diuers Law termes vnto these things, that properly belong to temporal inheritances: and that the Statute of 32. *H.* 8. hath made them *demandable* by original Writs, & hath giuen certaine real actions, and other courses for recouering and conueying of them in Temporall courts: because Lay-men could not in former times haue sued for things of this nature in any Court of the Kingdome. But this

this prooueth not the things themſelues to be therfore temporall, (no more then that an Engliſhman is a Frenchman, becauſe hee ſaileth in a French bottome.) For vpon the ſame reaſon the Statute giueth alſo other actions (for recouering of *tithes* and *offerings* withholden, &c.) in the *Courts Spiritual*. They then that out of the one part of the *Statute* will haue them temporall, are by the other part enforced to confeſſe them ſtil Spiritual, and ſo to make them like a Centaure: *prolem biformem*. It were very hard (in my vnderſtanding) to ground a point of ſo great conſequence, vpon ſubtilty of words, and ambiguous implications, without an expreſſe

Differo non affero.

letter of Law to that purpose, especially, to make the Houses and offerings of God, *temporall* Inheritances. But I see it is a Law questiō in my Lord [a] *Dier*, whether *tithes* be made Laye or Temporal by any words in those Statutes. And therefore I must leaue this point to my Masters of the Law, who haue the key of this knowledge onely in their owne custody. Yet I thinke I may be so bold, as to say thus much out of their own [b] bookes, that *a Statute, directly against the Law of God is void.* If then *Tithes* be *things spiritual*, and due *de iure diuino*, as many great [c] Clarkes, Doctors, Fathers, some Councels, and (that euer honorable Iudge & oracle of Law) my Lord *Coke* himselfe in

[a] *Term. Pas. An. 7. Ed. 6. Assise fol. 83. b.*

[b] *Doct. & stud. ca. 6.*

[c] See *Aug. Ser: 219. de Temp Hostiens* and most Canonists. *Concil. Mortisc. 2. cap. 50. Concil. Mogunt. cap. 38. alias 10, &c.*

in the second part of his [d] *Reports*, affirme them to bee: I cannot see how humane Lawes should make them *Temporal*. Of the same nature therefore that originally they were of, of the same nature doe I still hold them to continue. For *manente subiecto, manet consecratio, manet dedicatio*. *Time*, *Place*, and *Persons*, doe not change them, as I take it, in this case. [e] *Nabuchodonozor* tooke the holy vessels of the Temple, hee caried them to *Babylon*, hee kept them there all his life, and at last left them to his Son and grandchildren: but all this while, the vessels still remained *holy*. Yea, though they were comne into the hands of those that were not

[d] Dismes sont choses spirituales, & huic de iure diuino. Le Euesq; de Winch. case fol 451

[e] *Nescio quo fato fit; vt eadem tẽporis periodo (viz an. 68) post ereptas per Nabuc: & H. 8. res templorum: stirps vtrisque regia extincta, fit imperiũ sublatum, & ad aliã gẽtem deuolutũ. Vlterius igitur speremus. Cyrũ nostrum Iacobum regẽ (qui sceptra dissidentia. cõpescuit) restitutionis etiam munus aliquando aggressurũ.*

tyed to the ceremonies of the law, & at length into the hands of them that had them by a lawfull succession from their Fathers and Grandfathers: yet as soone as they beganne to abuse them to prophane vses: that very night *Balshazzer* himselfe died for it, the line of *Nabuchodonozor* (that toke them from the Temple) was extinct, and the kingdom translated to an other Nation. *Dan.* 5. 2.

A third surmise answered.

17 Happely also, *Lay Appropriataries* cõfort themselues, that they may hold these things, by exãple of Colleges, Deans, and Chapters, Bishops of the land, and of diuerse of our late Kings and Princes. Before I speake to this point, I take it by protestation, that I haue no heart

to

to make an Apologie for it. For I wiſh that euery man might drinke the water of his owne well, eat the milke of his owne flocke, and liue by the fruit of his owne vinyard. I meane, that euery member might attract no other nutriment, but that which is proper to it ſelfe. Yet are they greatly deceiued, that drawe any iuce of encouragement from theſe examples. For all theſe are either the Seminaries of the Church, or the Huſbandmen of the Church, or the Fathers and nurſes of the Church: all *de familia Eccleſiæ*, and conſeqnently, belonging to the care of the Church, and ought therefore to be ſuſteined by it: for Saint *Paul* ſaith: *He that prouideth not for his owne, and*

and namely for them of his house-hold, he denieth the faith, and is worse then an infidel. 1. *Tim.* 5. 8

[a] Al church reuennes wer at first paid to Bishops and by thē distributed to the priests, poore, &c. after the Bishops were to haue a 4. part of all tithes. *Per Concil. Aurelian Mogun. Tribur. Hanet: &c. Et per Cōc. Tarracon.* the 3 part. [b] *Plowd. in Quar. imp. per Grend. Cobe Report. part. 5. fol. 15.*

[a] Therefore before the Statutes of *suppression of Abbies*, those that were not meerely Ecclesiasticall persons, yet if they were *mixt*, or had Ecclesiasticall iurisdiction, they might by the Lawes of the Land, participate Ecclesiasticall liuings, and [b] *Tithes* particularly. And this seemeth to take some ground out of the word of God. For the prouincial *Leuites* (as I may terme them) whom [c] *Dauid* seuered from the Temple, and placed abroad in the countrey to bee Rulers of the people, *in matters pertaining to God, and the Kings businesse*, (that is, *Spiritually* and *Temporally*:) had their portions

[c] 1 *Ch.* 26. 30. & 32.

portions of *tithes* notwithstanding, as well as the other *Levites* that ministred in the Temple. Now, that the King is [b] *Persona mixta*, endowed aswel with Ecclesiasticall authority, as with Temporall: is not only a solid Position of the Cōmon Law of the Land, but confirmed vntovs by the continuall practise of our auncient Kings, euer since, and before the Conquest, euen in hottest times of Popish feruency. For this cause at their coronatiōs, they are not only crowned with the diadem of the Kingdome, and girt with the sword of Iustice, to signifie their Temporall authority, but are annointed also with the [c] *oyle of Priesthood*, and clothed

[b] See Plowden in Quer. Imp. per Grendon. Et Lord Coke de Iure Regis Eccles. part 5.

[c] Reges sacro oleo vncti, sunt spiritualis iurisdictionis capaces 33. Ed. 3. tit. dicr de Roy 103 Ex Dom. Coke Repor. part 5.

Stola

Stola Sacerdotali, and *veste* [d] *Dalmatica*; to demonstrate this their Ecclesiastical iurisdiction, whereby the King is said in the Law to be *Supremus Ordinarius* and in regard thereof, amongst other Ecclesiasticall rights, and prerogatives belonging vnto him, is to haue all the [e] *Tithes* (through the Kingdome) in places that are out of any parish, for some such there be & namely, diners [f] Forrests. But for all this: O! that his Maiestie would bee pleased to remember *Syon* in this point.

[d] *Dalmatia est vestis, qua modo vtuntur omnes diaconi ex consuetudine in solennitatibus, vt 70. distin. de ieiunio. Antiquitus tamen, sine concessione Papæ, nec Episopis, nec Diaconis licebat vti hac veste. Distinct 23. cap: Omnes filius. Prætens.*

[e] 22. Edw. 3 lib. Assis. pla. 75. Lo. Coke par. 9. fol. 15. a.

[f] As Inglewood, &c. vt patet Anno 18. Ed. 1. inter petitiones coram dño Rege ad Parliamentum.

18 I grow too tedious, yet be-
fore I cloſe vp this diſcourſe let
me ſay one thing more to the
Aproprietaries of Churches,
that happely, they hitherto
haue not dreamed of. And
that is, that by hauing theſe
Perſonages, they are charged
with Cure of ſoules, and make
themſelues ſubiect to the bur-
den that lieth ſo heauily vpon
the head of euery Miniſter: to
ſee the ſeruice of God perfor-
med, the people inſtructed, and
the poore releeued. For to
theſe three ends, and the main-
tenance of Miniſters were per-
ſonages inſtituted, as not only
the Canons of the Church, but
the bookes of the Law, and par-
ticularly the Statutes of 15. *R.* 2
cap. 6. And 4. *H.* 4 *ca.* 12. doe
mani-

The danger that Proprietaries of perſonages ſtand in.

manifestly testifie. And no man may haue them but to these purposes, neither were they otherwise in the hands of Monastical persons nor otherwise giuen to the King by the Statute of Dissolution, then [a]*in as large and ample manner, as the gouernors of those Religious houses had them*, nor by him conueied otherwise to the subiects. For, *Nemo potest plus iuris in alium transferre, quã ipse habet. No man may grant a greater Right vnto another then hee hath himselfe.* And therefore, goe where they will, *transeunt cum onere*, they carry their charge with thē. Vpon these reasons *Propriet aries* are stil said to be, [b]Parsons of their Churches, & vpon the matter, are as the Incumbents there-

[a] See the extent of these words in L. *Coke, part. 2. fol 49.* And note also that Parsonages appropriate, are not mentioned in that Statute of 27. H. 8. and the word (*tithes*) there seemeth to be meant of *tithes* belonging to the bodies of the Monasteries; not of Parsonage *tithes*. *Ideo quære* how the King had them before the Statute of 31 *Regni sui.*

[b] *Parson imparsonee.*

thereof, and the Churches by reason of this their incumbency are full and not void. For otherwise, the Bishoppe might collate, or the King present a Clarke (as to other Churches) as it semeth by the arguments of the Iudges in the case betweene *Grendon* and the Bishop of *Lincolne* in Mr. *Plow. Com.* where it is also shewed, that the incumbency is a [a] spirituall function, and ought not to be conferred vpon any but spirituall persons, and such as may themselues doe the diuine Seruice, and minister the Sacraments. Therfore, *Dier*, L. Chief Iustice of the Com. Pleas there said, that *it was an horrible thing* when these Appropriations were made to Prioresses and

[a] For the most ofticiall persons and Prioresses themselues that could not perform the diuine seruice were notwithstanding the Incumbents of their Churches and lay appropriatories claiming vnder their right ought also to be subiect to the same burdens.

[b] See Dier Trin. 36. H. 8. f. 58. pl. 8.

[c] There is yet no expresse lawe made to take away the Bishops iurisdictions ouer Churches appropriate, that I can find, how it extendeth.

houses of Nunnes, because that (although they were religious persons) yet they could not minister the Sacraments and diuine Seruice. Implying by this speech of his, that it was much more *horrible* for Layme to hold thē, that neither could doe these holy rites, nor were so much as Spiritual persons to giue them colour for holding of spiritual things. Therfore Seriant * *Rastal*, also termeth it a *Wicked thing*, complaining (in his time) that it continued so long, to the *Hinderance* (hee saith) *of learning, the impouerishing of the Ministry, and to the infamy of the Gospel, and professors thereof.*

* Termes of the Law *in verbo Appropriation.*

My Lord *Coke* also in the second part of his *Reports*, saith, that

Leuesque de Glinchesters case, fol. 44. b.

that it is recorded in History, that there were (amongst other) two grieuous persecutions, the one, vnder *Diocletian*, the other vnder *Iulian* named the Apostata: for it is recorded, that the one of them intending to haue rooted out all the professors and Preachers of the word of God, *Occidit omnes Presbyteros*, But this notwithstanding, Religion flourished; for *Sanguis Martyrum est semen Ecclesiæ*: *The blood of the Martyrs is the seed of the Church*, and this was a cruel and grieuous persecution: but the persecution vnder the [b] other was more grieuous and dangerous, *Quia* (as the History saith) *ipso occidit presbyterium*. *He destroied the very order of Priesthood*. For he rob-

[a] *Diocles. vide Eusch. hist. eccles. lib. 7. cap. 3. Niceph. l. 7. cap. 3.*

[b] *Iulian. vide Theodorit. hist. lib. 3. cap. 6. & Niceph. lib. 01. cap. 5.*

bed the Church, and spoiled spirituall persons of their reuenues, and tooke all things from them whereof they should liue. And vpon this, in short time, insued great ignorance of true religion, and the seruice of God, and thereby great decay of Christian profession. For none will apply themselues or their sonnes, or any other that they haue in charge, to the study of Diuinitie, when after long and painfull study they shall haue nothing whereupon to liue. Thus farre my Lord *Coke*.

I alledge these Legall authorities and leaue Diuinity, because the *Appropriataries* of Parsonages (which shield themselues vnder the target of the Law)

Law) may see the opinio of the great Lawyers of our own time and Religion, and what the bookes of the Law haue of this matter, to the end, that we should not hang our consciences vpon so dangerous a pinne, nor put too great confidence in the equity of Lawes, which we daily see, are full of imperfection, often amended, often altered, and often repealed. O how lamentable then is the case of a poore *Proprietarie*, that dying, thinketh of no other account, but of that touching his *Lay vocation*, and then coming before the iudgement seat of Almighty God, must answere also for this *spirituall function*. First, why hee meddled with it not being called vn-

It is said in my L. Dier, in the case of a common person, that the seisin of a cure is a spirituall administration and cannot be leased, and that the seisure is not issuing out of the personage, but annext vnto the person. 8. H. 8. fol. 7. 8. 6. pla. 8.

to it. Then, why (*medling with it) hee did not the dutie that belonged vnto it, in seeing the Church carefully serued, the Minister thereof sufficientlie maintained, and the poore of the parish faithfully releeued. This I say, is the vse wherto Parsonages were giuen, and of this vse wee had notice before we purchased them: and therefore, (not onely by the lawes of God and the Church, but by the Law of the Land, and the rules of the Chancery, at this day obserued in other cases) wee ought onely to hold them to this vse, and no other.

*Proprietaries which haue Vicars endowed, think themselues thereby discharged. But though the Vicar be the Parsons deputy to doe the diuine Seruice, yet a superior care thereof resteth still vpon the Parson himself and the surplusage of the profits belongeth to the poore, as appeareth by the whole body of Fathers, Doctors, Counsels, &c.

19 It is not then a worke of bounty and beneuolence to restore these appropriations to the Church, but of duty and necessity

19 That it is not beneuolence but duty to restore Church-liuings.

necessity so to doe. It is a worke of duty to giue that *vnto God that is Gods, Matth.* 22. 2. And it is a worke of necessity towards the obtaining remission of these sinnes. For Saint *Augustine* saith, *Non remittetur peccatum, nisi restituatur ablatum cum restitui potest.* *The sinne shall not be forgiuen, without restoring of that which is taken away, if it may be restored.* *Ad Macedonium Epist. 54. tom. 2.*

It is duty, iustice, and necessity, to giue them backe vnto God. For if *Iudas* (who was the first president of this sin) were a theefe, as the Holy Ghost termeth him, for imbeasling that which was committed vnto him for the maintenance of Christ and his Disciples, that is of the Church: by the same *Iob. 12. 6.*

reason, must it also be the cause to withhold these things which were giuen for the maintenance of the Church, and Ministers of Christ. And heerein is a degree aboue that sinne of *Iudas*, as robbery is aboue theft: for *Iudas* onely detained the money (deliuered vnto him) closly and secretly; but we and our fathers, haue inuaded Church-liuings, and taken them (as it were by assault) euen from the sacred body and person of the Church.

It is a great sinne to steale from our neighbour; much greater (euen sacrilege) to steale from God. If it were so hainous a fact in *Ananias* to withhold part of his owne goods, which he pretended he would

giue

giue vnto God, how much more is it in vs, presumptuously to reaue that from God, that others haue already dedicated and deliuered vnto him. *Salomon* saith, *He that robbeth his father and his mother, and saith, it is no sinne, is the companion of* [a murtherer, or] *him that destroieth.* But he that purloineth the things of God, robbeth his father, and hee that purloineth the things of the Church, robbeth his mother. And therefore that man is a companion of the destroyer. Prou.28.24.

The *Fathers, the Doctors, many great Councels, and auncient Laws of the Church, commaund, that things taken from the Church, should be restored. And the Church

* Synod.5. Rom.2. Episcop. An.503. Conc. Val. An.855. ca.9. Con. Rom. 100. Episc. Anno.1063. Cont. Rom. 5. An.1078 Cõc. Palent. An.1388. Conc. Oxon. Gene. Ang. an.1222.

by

by her [a] Preachers & Ministers continually entreateth, vrgeth, and requireth all men to doe it. They therefore that doe it not, they refuse to heare the Church: And then our Sauiour Christ, by his own mouth, denounceth them [b] to be as heathens and Publicas, that is, excommunicate & prophane persons. *If he refuseth* (saith our Sauiour) *to heare the Church also, let him bee vnto thee as a heathen man, and a publican. Mat.* 18. 17.

It is a fearefull thing not to heare the [c] Church, but much more, not to heare Christ himselfe. Christ hath giuen vs a perpetuall Law and commandement, touching things belonging to God: *That we should*

[a] A strange change: the *Israelites* gaue their owne goods so abundantly to the seruice of God, that *Moses* was forced to restraine them by proclamatiō: Exx. 36. 5. but now nothing can moue vs to giue God that wch is his alreadie.

[b] *Qui sub nomine fidelium, agit opera infidelium fidelis esse non potest. ibid.*

[c] We think the church doth not cōmād it til we make a parliamēt law for it, but the law is made alredy by Christ himself

giue

them to God. If we breake this Lawe, wee breake a greater Law then that of the *Medes* and the *Persians*: and therefore mark what the holy Ghost concludeth vpon vs; *Euery person that shal not heare this Prophet* (Christ Iesus) *shall bee destroied out of the people. Act.* 3. 23. [a] Dan. 6. 15.

20 To conclude then, as the *Philistims* made haste to send home the [b] Arke of God; and the *Egyptians* to ridde themselues of the [c] people of God: so let vs ply our selues to tender vnto God his Lands and Possessions with all speede. Otherwise, as he struck the *Philistims* with *Emrods* secretly, and the *Egyptians* with manifold scourges openly; so onely himselfe knoweth, what hee hath determined The Conclusion. [b] 1. Sa. 5. 11 [c] Ex. 12. 33

mined

mined against vs.

And thus I end, with the saying of the blessed Saint Cy-

Cypr. Ser. de lapsis. in fine. pryan, *Nec teneri iam, nec amari Patrimonium debet, quo quis & deceptus, & victus est. We must now, neither hold that Patrimony, or liuing, (no) nor so much as take pleasure therein) whereby a man is intrapped and brought to destruction.* And with that other of the noble S. *Augustines*

Lib. de Heremit. cit. per Ifidor. *With what face canst thou expect an inheritance from Christ in heauen, that defraudest Christ in thy inheritance heere on earth:*

Therefore

Mat. 22. 17. Giue vnto Cæsar the things that are Cæsars, & vnto God the things that are Gods.

Ω

PArdon me good Reader, though I haue neither ſatisfied thee, nor my ſelf, in this little diſcourſe. It is hard to bring a great veſſel into a ſmall creeke, an argument of many heads & branches, of much weight, variety and difficulty, into a few pages. It may be thou thinkeſt the volume big enough for the ſucceſſe that bookes of this nature are like to haue. I reiect not thy iudgement, yet would I not haue others ther by diſcouraged from purſuing this cauſe: for though Peter fiſhed all night and got nothing, yet he made a great draught (vnlooked for) in the morning. He that directed that net giue a bleſſing to all our labours. For my owne part (if I catch but one fiſh) I ſhall think mine well beſtowed. How ſoeuer, it ſhall content me, and I thanke God.

Ioh. 21. ver. 3.

for

for it, that he hath girded me with so much strength as to strike one stroke (though a weake one) in his battell, and to cast one stone (though a small one) against the aduersaries of his Church.

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Act. 24. 26

they are (like Pharao) ſtill where they wee. Yea ſome haue conſcientias cauteriatas, *as the Apoſtle* 1. Tim. 4. 2
tearmeth them, conſciences ſeared with an hot iron: *ſo ſtupified, that dead* Lazarus *may be raiſed, before they can be moued. But God knoweth the hart of man, and bringeth water out of the hard rock; therfore though I haue ſpoken this* (*as being ielous of the* cauſe,) *yet in charity I will hope better euen of the hardeſt of them. Only let no man think it a light ſin, to keep opē the paſſage wherby the* *wilde bore (*of barbariſme*) enters the Lords vineyard, and whereby God is deprined of the honor due to his name.* * Pſal. 80. 13. Pſal. 96.

Now at the parting, it may bee thou deſireſt to know what ſucceſſe this my labour had with the gentleman to whom I ſent it. In truth, neither that I deſired, nor that which

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August 16 1613.

A SERMON of S^t. *Auguſtines* touching rendring of Tithes.

The occaſion of this Sermon, or Homily was miniſtred vnto him by the time of the yeere, it being the 12. Sunday after Trinity, *that is about the beginning of Harueſt. The Scripture that he fitteth vnto it, is the* 18. *of* Luke, *Where the* Phareſie *boaſteth of his preciſe iuſtice in payment of* Tithes. *It is the* 219. *Sermon* de Tempore: *extant in the tenth Tome of his workes, and there entituled,*

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BY the mercy of Chriſt (*moſt beloued brethren.*) the daies are now at hand, wherein wee

are to reape the fruites of the earth: and therefore giuing thankes to God that bestoweth them, let vs bee mindefull to offer, or rather to render backe vnto him the tithes therof. For God, that vouchsafeth to giue vs the whole, vouchsafeth also to require back again the tenth not for his own, but for our benefit doubtlesse. For so hath he promised by his Prophet, saying: * *Bring al the tithe into my barnes, that there may be meate in my house, and trie mee, saith the Lord, in this point, if I open not the windowes of heauen vnto you, and giue you fruit without measure.* Lo, we haue proued how *tithes* are more profitable vnto vs, then to God. *O foolish men!* What hurt doth God command,

Decret 16. Qua. 1. cap. Decima. Where you may see a great part of this sermon cited for Augustines.

Mala. 3. 10.

mand, that he shold not deserue to be heard? For he saith thus: *The first fruits of thy threshing floore, and of thy wine presse thou shalt not delay to offer vnto mee.* If it bee a sinne, to delay the giuing: how much worse is it, not to giue at all? And againe, hee saith, *Honour thy Lord thy God with thy iust labours, and offer vnto him of the fruits of thy righteousnesse, that thy barnes may be filled with wheate, and thy presses abound with wine.* Thou doest not this, for *God a mercy*, that by and by shalt receiue it againe with manifold increase. Perhaps thou wilt aske, who shall haue profit by that, which God receiueth, to giue presently backe againe? And also thou wilt aske, who

Exod. 22. 22.

16. Quæ. 1. ca. decimæ. Prou. 3. 9.

ſhal haue profit by that which is giuen to the poore? If thou beleeueſt; thy ſelfe ſhall haue profit by it, but if thou doubteſt, then thou haſt loſt it.

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Richard Sackson

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selfe of both these blessings together? Heare therefore, (*O thou zeale-lesse mortality.*) Thou knowest, that all things that thou vsest are the Lords, and canst thou finde in thy heart, to lend him (that made all things) nothing backe of his owne? The Lord God needeth not any thing, neither demandeth he a reward of thee, but honour; he vrgeth thee not to render any thing that is thine, and not his. It pleaseth him to require the *first fruits*, and the *tithes* of thy goods, and canst thou denie them, (*O couetous wretch?*) What wouldst thou doe, if hee tooke all the *nine* parts to himselfe, and left thee the *tenth* onely? And this in truth he doth, when by with-

16. Qua. 1. de Decima.

holding

holding his blessing of raine, the drought maketh thy thirsty harueſt to wither away: and when thy fruit, and thy vineyeard, are ſtruckē with haile, or blaſted with froſt. where now is the plēty that thou ſo couetouſly didſt reckon vpon? The *nine* parts are taken frō thee, becauſe thou wouldſt not giue him the *tenth*. That remains onely, that thou refuſeſt to giue, though the Lord required it. For this is a moſt iuſt courſe, that the Lord holdeth, *If thou wilt not giue him thetēth, he will turn thee to thetēth.* For it is writtē, ſaith the Lord, *Inſomuch as the tith of your grouñd, the firſt fruits of your Land, are with you: I haue ſeene it, but you thought to deceiue me: haūocke and ſpoile ſhall be in your treaſury,* 16. Que. 1. ca. decima.

and in your houſes. Thus thou ſhalt giue that to the vnmercifull Souldier, which thou wouldeſt not giue to the Prieſt.

The Lord Almighty alſo ſaith: *Turne vnto mee, that I* Mal. 3. 10. *may open vnto you the windowes of heauen, and that I may poure downe my bleſsing vpon you; and I will not deſtroy the fruit of your land, neither ſhall the vines of your field,* [or the trees of your orchards] *wither away,* [or be blaſted] *and all nations ſhall ſay, that you are a bleſſed people.* God is alwaies ready to giue his bleſſings. But the peruerſeneſſe of man alwaies hindreth him. For he would haue God giue him all things, and he wil offer vnto God nothing, of that whereof himſelfe ſeemeth to bee the

the owner. *What if God should say? The man that I made, is mine; the ground that thou tillest, is mine; the seed that thou sowest, is mine; the cattel that thou wearieſt in thy work are mine; the showres, the rain, and the gentle winds are mine; the heat of the Sunne, is mine: and since all the Elements whereby thou liuest, are mine; thou that lendest onely thy hand, deseruest onely the *tithe*, or *tenth* part. Yet because Almighty God doth mercifully feed vs, he bestoweth vpon the labourer a most liberall reward for his paines, and reseruing onely the *tenth* part vnto himself, hath forgiuen vs al the rest.

Ingratefull and perfidious deceiuer, I speake to thee in the word

* This place is cited as out of *Augustin Conc. Triburiens. ca.* 13 *An.* 895. & before that *in Concil. Mogunt. pri. c.* 8. *An.* 874.

word of the Lord. Behold the yeere is now ended: giue vnto the Lord (that giueth the raine) his reward. Redeeme thy selfe, O man, whileſt thou liueſt. Redeeme thou thy ſelfe whileſt thou maieſt. Redeeme thy ſelfe (I ſay) whileſt thou haſt wherewith in thy hands. Redeeme thy ſelfe, leſt if greedy death preuent thee, thou then loſe both life and reward together. Thou haſt no reaſon, to commit this matter ouer to thy wife, who happily wil haue another husband. Neither haſt thou (O woman) any reaſon to leaue this to thy husband, for his minde is on another wife. It is in vaine, to tie thy parents, or thy kinsfolke, to haue care hereof: no man after

after thy death, surely shall redeeme thee, because in thy life, thou wouldest not redeeme thy selfe. Now then, cast the burden of *couetousnesse* from thy shoulders, despise that cruell *Lady*, who pressing thee downe with her intollerable yoake, suffereth thee not to receiue the yoake of Christ. For as the yoake of *couetousnesse*, presseth men downe vnto hell, so the yoake of Christ raiseth men vp vnto heauen. For *tithes* are required as a debt, and hee that will not giue them, inuadeth an other mans goodes. And let him looke to it, for how many men soeuer die for hunger in the place where hee liueth (not paying his *tithes*) of the murthering of so many men

16. Que. 1. ca. decima.

men shall be appeare guilty before the Tribunall seat of the eternall Iudge, vnlesse he kept that backe to his owne vse, that was committed to him by the Lord, for the *Poore*.

He therefore that either desireth to gain a reward, or to *obtaine a remission of his sins, let him pay his *tithe*, & be carefull to giue almes to the *poore*, out of the other nine parts: but so notwithstanding, that whatsoeuer remaineth ouer and aboue moderate diet, and conuenient apparell, bee not bestowed in riot and carnall pleasure, but laid vp in the treasury of heauen, by way of *Almes* to the *poore*. For whatsoeuer God hath giuen vs more then wee haue neede of, he hath not giuen

*Promereri

uen it vnto vs particularly, but hath committed it ouer vnto vs to bee distributed vnto others: which if wee dispose not accordingly, we spoile and rob them thereof. *Thus far S. Augustine.*

ERasmus *in a generall censure of these Sermons* de Tempore, *noteth many of them not to be Saint* Augustines: *so also doth Master* Perkins, *and diuers other learned men, who hauing examined them all particularly, and with great aduisement, reiecting those that appeared to be adulterat or suspected, admit this notwithstanding as vndoubted. And although* Bellarmine *seemeth to make a little question of it, yet hee concludeth it to be, without doubt, an excellent worke: and either*

Saint

[illegible] Augustinus [illegible] tamen [illegible] ne dubio & antiqui alicuius Patris, nam inde tanquã ex Augustino multa sũt adscripta in Decrt. 16. q. 1. Bellarm. lib. de Clericis cap. 25.

Saint Augustine [illegible] some other ancient [illegible] But hee saith, that many things are cited out of it as out of Augustine in Decrets. 16. q. 1. And to cleare the matter further, I finde that some parts hereof are alleaged vnder the name of *Augustine, in Concil. Triburiens.* (which was in the yeere of our Lord 895.) *cap.* 13. And twenty yeere before that also, *in Concil. Moguntin.* 1. *cap.* 8. So that Antiquitie it selfe, and diuers Councels accept it for *Augustines.*

I will not recite a great discourse to the effect of this Sermon amongst the works of *Augustine* in the Treatise *De rectitudine Christianæ religionis*; because *Erasmus* iudgeth that Treatise not to be *Augustines.*

Yet

6

Yet [illegible] be some [illegible] of great antiquity. But if thou wouldst heare more what *Augustine* saith vnto thee of this matter, take this for a farewell; *Maiores nostri ideo, copijs omnibus abundabant, quia Deo decimus dabāt, et Cæsari censum reddebant: modo autem quia descessit deuotio Dei, accessit* indictio fisci. *Noluimus partiri cum Deo decimas, modo autem totum tollitur. Hoc tollit* fiscus, *quod non accipit Christus.*

Homil. 48. ex lib. 50. Ham. tom. 10.

Ω

John Jackson Beod[illegible]

Cuius est hanc imago
et superscriptio?

Exprimit antiquis haec Christū litera scr
Exprimit et partē (quam petit ille) sacram
Ergo citus Christi quae sunt dabis omnia X
Caesaris accipiat Caesar, Vterq suum./

[illegible] Christ himselfe & Christ his sacred Share
[illegible] Character & [illegible] did [illegible]
[illegible] then to Christ what is his owne
to Caesar his, their due to every one./

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XUM

De non temerandis Ecclesijs.

A TRACT

Of the Rights and Respect due vnto CHVRCHES.

Written to a Gentleman, who hauing an Appropriat Parsonage, imploied the Church to prophane vses, and left the Parishioners vncertainly prouided of diuine seruice, in a Parish neere there adioyning. LE. 19. b2

By Sr. HENRY SPELMAN Knight.

AT LONDON
Printed by IOHN BEALE. 1613.

[a] A strange change: the *Israelites* gaue their owne goods so abundantly to the seruice of God, that *Moses* was forced to restraine them by proclamatiō: *Ex.* 36. 5. but now nothing can moue vs to giue God that wch is his alreadie.

by her [a] Preachers & Ministers continually entreateth, vrgeth, and requireth all men to doe it. They therefore that doe it not, they refuse to heare the Church: And then our Sauiour Christ, by his own mouth, denounceth them [b] to be as heathens and Publicās, that is, excommunicate & prophane persons. *If he refuseth* (saith our Sauiour) *to heare the Church also, let him bee vnto thee as a heathen man, and a publican.* *Mat.* 18. 17.

It is a fearefull thing not to heare the [c] Church, but much more, not to heare Christ himselfe. Christ hath giuen vs a perpetuall Law and commandement, touching things belonging to God: *That we should*

[b] *Qui sub nomine fidelium, agit opera infidelium Hieron. ibid.*

[c] We think the church doth not cō mād it til we make a parliamēt law for it, but the law is made alredy by Christ himselfe.

giue

them to God. If we breake this Lawe, wee breake a [a] greater Law then that of the *Medes* and the [a] *Perſians*: and therefore mark what the holy Ghoſt concludeth vpon vs; *Euery perſon that ſhal not heare this Prophet* (Chriſt Ieſus) *ſhall bee deſtroied out of the people. Act.* 3. 23. [a] *Dan.* 6. 15

20 To conclude then, as the *Philiſtims* made haſte to ſend home the [b] Arke of God; and the *Egyptians* to ridde themſelues of the [c] people of God: ſo let vs ply our ſelues to render vnto God his Lands and Poſſeſſions with all ſpeede. Otherwiſe, as he ſtruck the *Philiſtims* with *Emrods* ſecretly, and the *Egyptians* with manifold ſcourges openly; ſo onely himſelfe knoweth, what hee hath determined The Concluſion. [b] 1. *Sa.* 5. 11 [c] *Ex.* 12. 31

mined against vs.

And thus I end, with the saying of the blessed Saint *Cypryan*, *Nec teneri iam, nec amari Patrimonium debet, quo quis & deceptus, & victus est. We must now, neither hold that Patrimony, or liuing, (no) nor so much as take pleasure therein) whereby a man is intrapped and brought to destruction.* And with that other of the noble S. *Augustine*; *With what face canst thou expect an inheritance from Christ in heauen, that defraudest Christ in thy inheritance heere on earth: Therefore*

Cypri. Ser. 5. de lapsis. In fine.

Lib. de Hæ. re. cit. per Isidor.

MAR. 12, 17. Giue vnto Cæsar the things that are Cæsars, & vnto God the things that are Gods.

Ω

¶ An Epilogue:

PArdon me good Reader, though I haue neither ſatisfied thee, nor my ſelf, in this little diſcourſe. It is hard to bring a great veſſel into a ſmall creeke, an argument of many heads & branches, of much weight variety and difficulty, into a few pages. It may be thou thinkeſt the volume big enough for the ſucceſſe that bookes of this nature are like to haue. I reiect not thy iudgement, yet would I not haue others therby diſcouraged from purſuing this cauſe: for though Peter fiſhed all night and got nothing, yet he made a great draught (vnlooked for) in the morning. He that directed that net giue a bleſſing to all our labours. For my owne part (if I catch but one fiſh) I ſhall think mine well beſtowed. Howſoeuer, it ſhall content me, and I thanke God for

10. vlt. ver. 3.

for it, that he hath girded me with so much strength as to strike one stroke (though a weake one) in his battell, and to cast one stone (though a small one) against the aduersaries of his Church.

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Exo. 30. 12.

Pro. 3. 10.

ſelfe of both theſe bleſſings together? Heare therefore, (*O thou zeale-leſſe mortality.*) Thou knoweſt, that all things that thou vſeſt are the Lords, and canſt thou finde in thy heart, to lend him (that made all things) nothing backe of his owne? The Lord God needeth not any thing, neither demandeth he a reward of thee, but honour; he vrgeth thee not to render any thing that is thine, and not his. It pleaſeth him to require the *firſt fruits*, and the *tithes* of thy goods, and canſt thou denie them, (*O couetous wreteh?*) What wouldſt thou doe, if hee tooke all the *nine* parts to himſelfe, and left thee the *tenth* onely? And this in truth he doth, when by with-

16. Que. 1. cā. Decime.

holding

holding his bleſſing of raine, the drought maketh thy thirſty harueſt to wither away: and when thy fruit, and thy vineyeard, are ſtruckē with haile, or blaſted with froſt. where now is the plēty that thou ſo couetouſly didſt reckon vpon? The *nine* parts are taken frō thee, becauſe thou wouldſt not giue him the *tenth*. That remains onely, that thou refuſeſt to giue, though the Lord required it. For this is a moſt iuſt courſe, that the Lord holdeth, *If thou wilt not giue him the tēth, he wil turn thee to the tēth.* For it is writtē, ſaith the Lord, *Inſomuch as the tith of your groūd, the firſt fruits of your Land, are with you: I haue ſeene it, but you thought to deceiue me: hauocke and ſpoile ſhall be in your treaſury,* 16. Que. 1. ca. decima.

and in your houſes. Thus thou ſhalt giue that to the vnmercifull Souldier, which thou wouldeſt not giue to the Prieſt.

The Lord Almighty alſo ſaith: *Turne vnto mee, that I*
Mal. 3. 10. *may open vnto you the windowes of heauen, and that I may poure downe my bleſſing vpon you; and I will not deſtroy the fruit of your land, neither ſhall the vines of your field,* [or the trees of your orchards] *wither away,* [or be blaſted] *and all nations ſhall ſay, that you are a bleſſed people.* God is alwaies ready to giue his bleſſings. But the peruerſeneſſe of man alwaies hindreth him. For he would haue God giue him all things, and he wil offer vnto God nothing, of that whereof himſelfe ſeemeth to bee the

the owner. *What if God ſhould ſay? The man that I made, is mine; the ground that thou tilleſt, is mine; the ſeed that thou ſoweſt, is mine; the cattel that thou wearieſt in thy work are mine; the ſhowres, the rain, and the gentle winds are mine; the heat of the Sunne, is mine: and ſince all the Elements whereby thou liueſt, are mine; thou that lendeſt onely thy hand, deſerueſt onely the *tithe*, or *tenth* part. Yet becauſe Almighty God doth mercifully feed vs, he beſtoweth vpon the labourer a moſt liberall reward for his paines, and reſeruing onely the *tenth* part vnto himſelf, hath forgiuen vs al the reſt.

* This place is cited as out of *Auguſtin Conc. Tribuenſ. ca.* 13 *An.* 895. & before that *in Concil. Moguntin. pri. c.* 8. *An.* 874.

Ingratefull and perfidious deceiuer, I ſpeake to thee in the word

word of the Lord. Behold the yeere is now ended: giue vnto the Lord (that giueth the raine) his reward. Redeeme thy ſelfe, O man, whileſt thou liueſt. Redeeme thou thy ſelfe whileſt thou maieſt. Redeeme thy ſelfe (I ſay) whileſt thou haſt wherewith in thy hands. Redeeme thy ſelfe, leſt if greedy death preuent thee, thou then loſe both life and reward together. Thou haſt no reaſon, to commit this matter ouer to thy wife, who happily wil haue another husband. Neither haſt thou (O woman) any reaſon to leaue this to thy huſband, for his minde is on another wife. It is in vaine, to tie thy parents, or thy kinsfolke, to haue care heereof: no man after

after thy death, ſurely ſhall redeeme thee, becauſe in thy life, thou wouldeſt not redeeme thy ſelfe. Now then, caſt the burden of *couetouſneſſe* from thy ſhoulders, deſpiſe that cruell *Lady*, who preſſing thee downe with her intollerable yoake, ſuffereth thee not to receiue the yoake of Chriſt. For as the yoake of *couetouſneſſe*, preſſeth men downe vnto hell, ſo the yoake of Chriſt raiſeth men vp vnto heauen. For *tithes* are required as a debt, and hee that will not giue them, inuadeth an other mans goodes. And let him looke to it, for how many men ſoeuer die for hunger in the place where hee liueth (not paying his *tithes*) of the murthering of ſo many men

16. Quæ, 1. ca. decimæ.

men ſhall he appeare guilty before the Tribunall ſeat of the eternall Iudge, becauſe he kept that backe to his owne vſe, that was committed to him by the Lord, for the *Poore*.

He therefore that either deſireth to gain a reward, or to *obtaine a remiſſion of his ſins, let him pay his *tithe*, & be carefull to giue almes to the *poore*, out of the other nine parts: but ſo notwithſtanding, that whatſoeuer remaineth ouer and aboue moderate diet, and conuenient apparell, bee not beſtowed in riot and carnall pleaſure, but laid vp in the treaſury of heauen, by way of *Almes* to the *poore*. For whatſoeuer God hath giuen vs more then wee haue neede of, he hath not giuen

*Promereri

uen it vnto vs particularly, but hath committed it ouer vnto vs to bee diſtributed vnto others: which if wee diſpoſe not accordingly, we ſpoile and rob them thereof. *Thus far S. Auguſtine.*

ERaſmus *in a general cenſure of theſe Sermons* de Tempore, *noteth many of them not to be Saint* Auguſtines: *ſo alſo doth Maſter* Perkins, *and diuers other learned men, who hauing examined them all particularly, and with great aduiſement, reiecting thoſe that appeared to be adulterat or ſuſpected, admit this notwithſtanding as vndoubted. And although* Bellarmine *ſeemeth to make a little queſtion of it, yet hee concludeth it to be, without doubt, an excellent worke: and either*

Saint

Forte non est Augustinus ste sermo tamen insignis est sine dubio & antiqui alicuius Patris, nam inde tanquã ex Augustino multa sũt adscripta in Decret. 16. q. 1. Bellarm. lib. de Clericis cap. 25.

Saint Augustines *owne; or some other ancient Fathers. But hee saith, that many things are cited out of it as out of* Augustine *in* Decret. 16. q. 1. And to cleare the matter further, I finde that some parts hereof are alleaged vnder the name of *Augustine, in Concil. Triburiens.* (which was in the yeere of our Lord 895.) *cap.* 13. And twenty yeere before that also, *in Concil. Moguntin.* 1. *cap.* 8. So that Antiquitie it selfe, and diuers Councels accept it for *Augustines.*

I will not recite a great discourse to the effect of this Sermon amongst the works of *Augustine* in the Treatise *De rectitudine Christianæ religionis*; because *Erasmus* iudgeth that Treatise not to be *Augustines*,

Yet

Yet ſeemeth it likewiſe to be ſome excellent mans, and of great antiquity. But if thou wouldſt heare more what *Auguſtine* ſaith vnto thee of this matter, take this for a farewell;

Maiores noſtri ideo, copijs omnibus abundabant, quia Deo decimus dabãt, et Cæſari cenſum reddebant: modo autem quia deſceſſit deuotio Dei, acceßit indictio fiſci. *Noluimus partiri cum Deo decimas, modo autem totum tollitur. Hoc tollat* fiſcus, *quod non accipit Chriſtus.* Homil. 48. ex lib. 50. Ham. tom. 10.

Ω